



MEMORANDUM

City of Beaverton

Community and Economic Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: March 15, 2013
Subject: ***Notice of Decision for 141st Avenue Subdivision (LD2012-0015)***

Please find attached the notice of decision for **141st Avenue Subdivision (LD2012-0015)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions are final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for **141st Avenue Subdivision (LD2012-0015)** is **5:00 p.m., Wednesday, March 27, 2013**.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 2nd Floor, City Hall, 4755 SW Griffith Drive between 7:30 a.m. and 5:00 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Cassera Phipps, Assistant Planner at (503) 526-2247.



NOTICE OF DIRECTOR'S DECISION

DATE: March 15, 2013

TO: All Interested Parties

FROM: Cassera Phipps, Assistant Planner

PROPOSAL: **141st Avenue Subdivision
(LD2012-0015)**

LOCATION: 4875 SW 141st Avenue
Tax Lots 1434 & 1500 on Washington County Tax
Assessor's Map 1S1-16BC

SUMMARY: The applicant seeks approval of a Preliminary Subdivision for the creation of six lots in the R2 zoning district. This is a two-phased subdivision intended for single-family, detached units. Phase One would create three lots (Lots 1-3) to be accessed from the existing private street extending from SW 141st Avenue. Phase One includes right-of-way dedication along SW 141st Avenue frontage and installation of utility and parking improvements for all six lots, identified on the plan as Tract A. The existing house (Phase One, Lot 4) will be retained through Phase One. Improvements associated with Phase Two include removal of the existing house and creation of three new lots (Lots 4-6). Lot 4 will be accessed from the private street, while Lots 5 and 6 will be accessed from a shared driveway on SW 141st Avenue. Sidewalk improvements along SW 141st Avenue will be constructed during Phase Two.

APPLICANT: Zeto Homes
Attn: Ken Eagon
4080 SW Charming Way
Portland, OR 97225

APPLICANT'S
REPRESENTATIVE: Emerio Design
Attn: Danelle Isenhardt
6107 SW Murray Boulevard, Suite 147
Beaverton, OR 97008

PROPERTY OWNER: Kimberly Suriyakumaran
7015 SW Juniper Terrace
Beaverton, OR 97008

RECOMMENDATION: **APPROVAL of 141st Avenue Subdivision (LD2012-0015)**,
subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
LD2012-0015	November 7, 2012	January 16, 2013	March 15, 2013	September 13, 2013

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Urban Medium Density R2	
Current Development	The project site contains one detached single family residence, to be demolished during the second phase of the project.	
Site Size	Approximately 0.38 Acres	
NAC	Central Beaverton NAC	
Surrounding Uses	<u>Zoning:</u> North: Urban Medium Density R2 South: Urban Medium Density R2 East: Urban Low Density R10 West: Urban Standard Density R5	<u>Uses:</u> North: Duplexes and Detached Single Family Residential South: Detached Single Family Residential East: Detached Single Family Residential West: Attached Single Family Residential

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

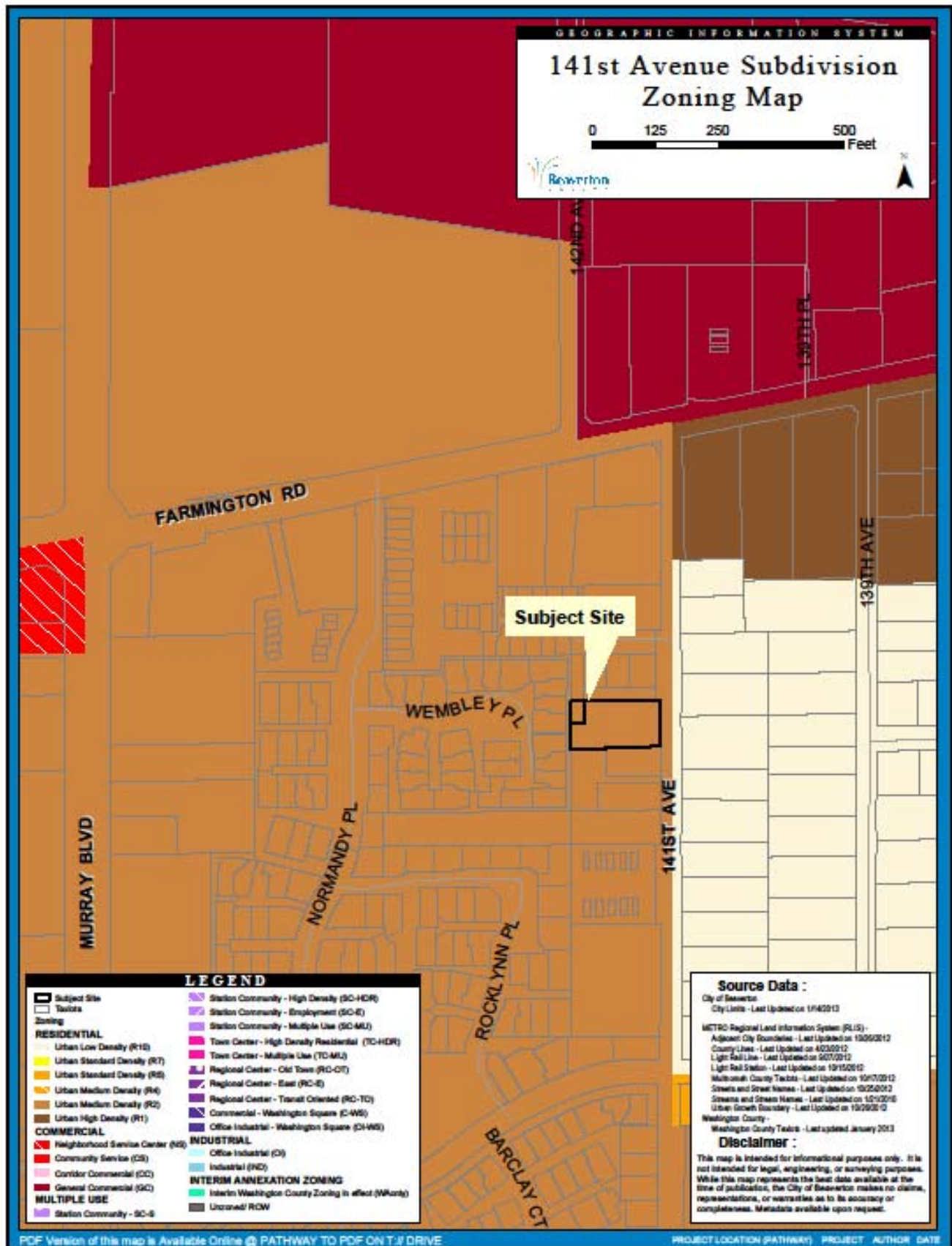
<u>Attachment A:</u> Facilities Review Committee Technical Review and Recommendation Report	<u>PAGE No.</u> FR1-FR11
<u>Attachment B:</u> 141st Avenue Subdivision (LD2012-0015)	LD1-LD4
<u>Attachment C:</u> Conditions of Approval	COA1-COA10

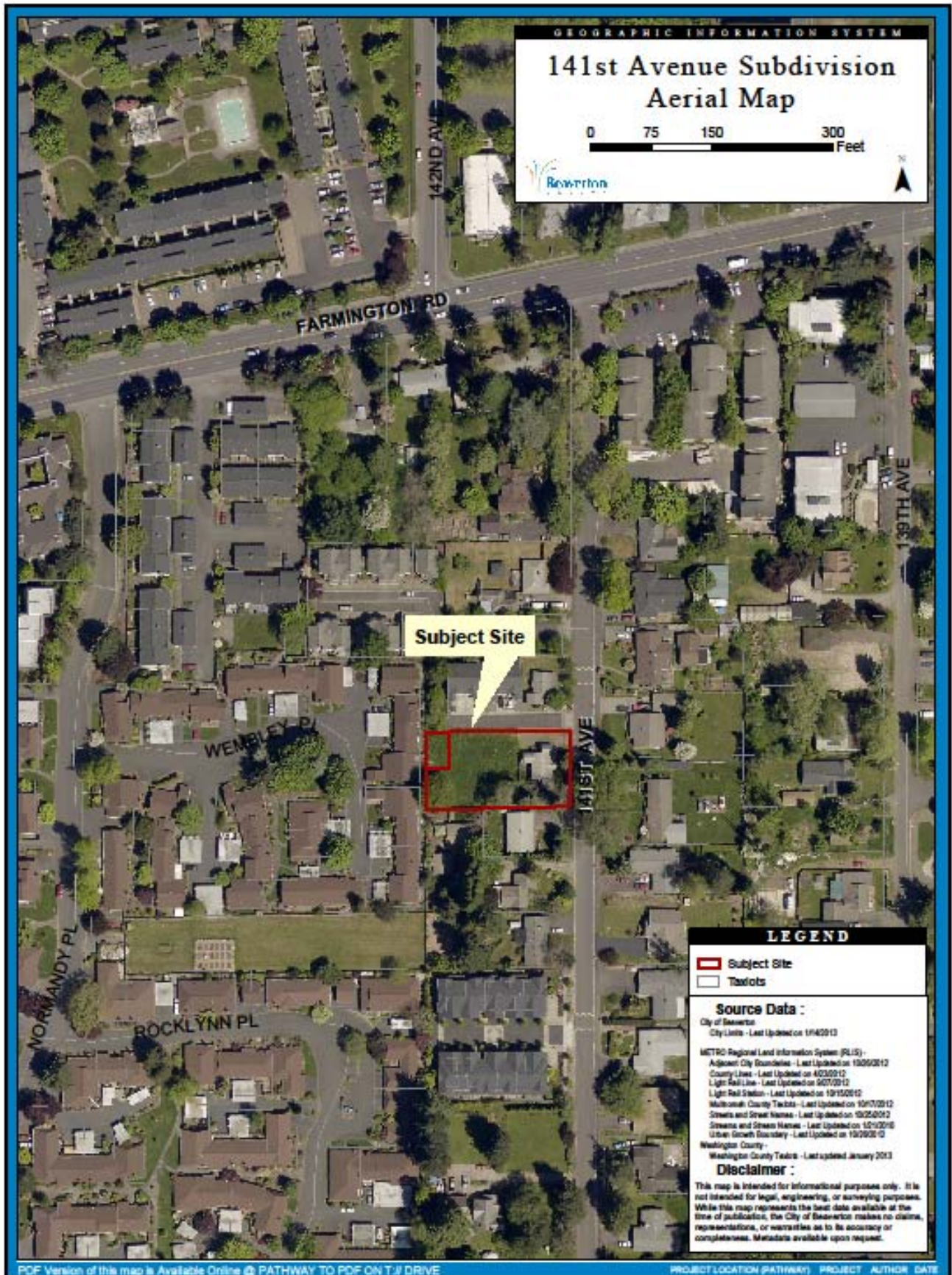
Exhibit 1 - Materials Submitted by Staff

Exhibit 1.1	Zoning Map (page SR-5)
Exhibit 1.2	Aerial Map (page SR-6)

Exhibit 2 - Public Comments (On file at City Hall)

Exhibit 2.1	Email from Michael Pregent, dated January 24, 2013
Exhibit 2.2	Letter from Michael Pregent, dated January 25, 2013
Exhibit 2.3	Letter from Jim Hatlen, dated January 28, 2013
Exhibit 2.4	Email from Michael Pregent, dated February 1, 2013
Exhibit 2.5	Email from Doug Lasko, dated February 6, 2013
Exhibit 2.6	Letter from Harry Taylor and Marilyn McDonald, received February 11, 2013
Exhibit 2.7	Email from Candy Hatchell, dated February 13, 2013
Exhibit 2.8	Email from Joan Bridgman, dated February 18, 2013
Exhibit 2.9	Email from Joan Bridgman, dated February 19, 2013





FACILITIES REVIEW COMMITTEE TECHNICAL REVIEW AND RECOMMENDATIONS

Section 40.03.1 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria are reviewed for all criteria that are applicable to the submitted application as identified below:

All twelve (12) criteria are applicable to the submitted Land Division-Preliminary Subdivision application, LD2012-0015.

- A. *All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

The applicant indicates that they will install all necessary improvements including water lines, sanitary sewer, and storm facilities. The applicant indicates that the capacity for these services is available within SW 141st Avenue or the adjacent private street. The existing storm water management facility to the northwest of the site was designed for flows from this site. The applicant proposes to pave approximately 270 square-feet of the existing storm water facility in order to provide adequate exiting turn movement for Lot 1. The City Engineer has reviewed the proposed modifications to the water quality facility and finds that capacity will remain to serve the existing and proposed lots. Due to grade changes, a retaining wall and fencing around the storm water facility will be required under the conditions of approval. The City Engineer has reviewed the applicant's utility, storm water, and grading plans and has provided a list of conditions in response to these plans to ensure adequate critical facilities are provided to serve all six lots. Utility improvements are to be installed during the first phase of the development.

Development Code Section 60.55.20 requires a Traffic Impact Analysis (TIA) for projects that will generate more than 200 new weekday vehicle trips in a 24 hour period. This proposed 6-lot subdivision will generate less than the 200 new trips per day. Therefore, no traffic analysis or mitigation is required. Four of the lots will

be accessed from an existing private drive that extends from SW 141st Avenue. Two lots will be accessed by a shared driveway on SW 141st Avenue. Existing facilities have adequate capacity to serve the proposed development.

Tualatin Valley Fire & Rescue has provided comments and conditions of approval necessary to bring the proposal into full compliance with the district's requirements for fire apparatus access and firefighting water supply. These conditions are incorporated hereto.

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.***

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way.

The subject site is located within the Beaverton School District. The District was sent notice of the development, but staff has not received comments to date. Staff also forwarded a copy of the proposal to the Beaverton Police Department and received no comments in reply.

Essential street facilities are available to serve the site as proposed. No traffic mitigations are required. Proposed improvements to the private street include a five-foot wide pedestrian walkway on the southern side of the street and six (6) parking spaces within Tract A. These improvements are conditioned to be in place prior to issuance of building permits for Phase One. The sidewalk along the frontage of SW 141st Avenue is conditioned to be constructed prior to building permit final inspection for Phase Two of the development.

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).***

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the R2 zone, as applicable to the above-mentioned criteria. As demonstrated on the chart, the proposal complies with all applicable requirements of Chapter 20. The development is in conformance with lot dimensional standards of Section 20.05.15. Front, rear, and side lot lines, as proposed, are found to meet Chapter 20 standards.

Therefore, the Committee finds that the proposal meets the criterion for approval.

- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.***

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, as applicable to the above mentioned criteria.

Section 60.15 Land Division Standards

The Land Division standards of Section 60.15 of the City's Development Code require minimum public utility and drainage easements along the property lines within proposed residential partitions. These minimum requirements include three (3) foot utility and drainage easements along all side and rear property lines and eight (8) foot wide public utility easements along the front property lines. To meet the requirements of Section 60.65, the Committee recommends standard conditions of approval so that all easements are provided and affected utility lines are placed underground.

The application is conditioned to install utility connections to all six lots during Phase One, even though only three new lots are to be created per phase. Expansion of the private street and parking in Tract A will be completed during Phase One. The application is conditioned to construct the sidewalk along SW 141st Avenue prior to final inspections for Phase Two. There will be two separate Final Plat applications to follow the Site Development permit. The first Final Plat application would show Lots 1-4 (including the existing house). The second Final Plat application would show Lots 4-6.

Section 60.30 Off-Street Parking

The proposal includes one off-street parking space on each lot, which meets the minimum Development Code standards. Bicycle parking is not required for single-family detached subdivisions. No additional off-street parking is required. The applicant proposes six (6) on-street parking spaces within Tract A.

Section 60.45 Solar Access

Solar Access Protection standards apply to new development in the R10, R7 and

R5 zones. The proposed development is not required to meet the Solar Access Protection standards specified in Section 60.45 of the Development Code since the subject site is zoned R2.

Section 60.55 Transportation Facilities

Traffic

A Traffic Impact Analysis (TIA) or Traffic Management Plan (TMP) is not required as the proposed six-lot subdivision does not generate more than 200 trips per day or 20 trips in any hour.

Street, Bicycle, and Pedestrian Connections and Improvements

Existing street connections are adequate, as the existing private street ends near the adjacent existing development to the west of the proposed development subdivision. The proposal shows typical right of way improvements including sidewalk, planter, curb, and street trees along the 141st Avenue frontage. No new street connections or additional improvements are recommended.

Adjacent streets adequately accommodate bicycle traffic. The existing private street is designed as a local street, which does not require bicycle lanes according to Code. SW 141st Avenue is a collector street, where Code standards require bicycle lanes. However, because 141st Avenue does not have consistent right of way width and is currently too narrow to accommodate a bicycle lane in addition to vehicle travel lanes, a bicycle lane is not warranted at this time. Accordingly, no new bicycle connections or improvements are recommended.

Staff finds that upon completion of the conditions of approval, the proposed pedestrian connections are adequate. The proposal shows a new six-foot wide sidewalk along the 141st Avenue frontage. Pedestrian access is also required to extend from 141st Avenue along Lots 1 through 5. The applicant's proposal includes a five-foot wide pedestrian walkway along the entire frontage of the private street (Lots 1 through 5) that is not restricted by on-street parking. A minimum three foot clear area is required in the on-street parking area. No additional on or off-street pedestrian connections are required.

Street Width

The proposal includes right of way dedication of eleven feet along SW 141st Avenue frontage in order to meet the minimum thirty-one foot half-street cross section standards for collector streets (EDM Standard Drawing 101). No additional dedication is required.

Access

All proposed lots have access onto the existing private street, with the exception of Lots 5 and 6 which share a driveway off SW 141st Avenue. The applicant has demonstrated that a vehicle may exit Lot 1 safely without moving outside the access easement and that the existing street width can accommodate the exiting turn movement for a vehicle. The proposed access for each lot has been approved by the City Traffic Engineer.

Near the existing driveway for the private street, the proposal shows a block of six ninety-degree parking stalls. Per the EDM, all parking is required to be set back a minimum distance of twenty feet from the right of way line at the driveway entrance. The proposal shows a distance of about six feet. The City Engineer has reviewed and approved the applicant's proposed design modification request for parking distance.

Transit

The nearest TriMet bus stop is located near the intersection of SW Farmington and 142nd Avenue, which is approximately 750 feet from the proposed development site. TriMet service does not exist along 141st Avenue. The existing service in the vicinity of the proposed subdivision is found to be adequate and the Committee does not recommend additional transit facilities at this time.

Section 60.60 Trees and Vegetation

The subject site does not contain Significant Trees, but it does contain a number of trees, some larger than ten-inches (what the Development Code defines as Community Trees). The applicant has proposed the removal of Community Trees in order to accommodate the proposed structure, utilities, and driveways. In this case, the proposed development does not require Tree Plan review for removal of Community Trees since the site is less than one-half acre in size. All trees proposed to remain, including trees on abutting lots, are required to be protected with appropriate construction techniques. Section 60.60 of the Development Code provides specific protection measures for protected trees. The Committee recommends conditions of approval requiring adherence to these standards through the site development and building construction processes.

Section 60.15.15.3.G of the Development Code requires, for detached dwellings, a fee be paid to the City for the installation and one year warranty of street trees. The Committee recommends a condition requiring this fee to be paid prior to approval of the final plat for Phase Two.

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.***

In response to Criterion E, the applicant refers to the existing CC&Rs for Partition Plat 2004-040 which address maintenance responsibilities for the common areas and private street that provides access to the subject development. The applicant indicates that newly proposed private common facilities include on-street parking (Tract A) and an easement across the existing storm water facility to the benefit of

Lot 1. The applicant states that new CC&Rs will be created for this subdivision. The CC&Rs will require owners to have a proportional share in maintaining common areas and the private street. The Committee recommends a condition of approval that a maintenance agreement assigning specific maintenance responsibilities for the common facilities be submitted for review with the final plat application and recorded as a document thereto. The CC&R document is to be recorded with the final plats associated with both phases. Prior to recording the plat for Phase One, the draft CC&R document is to be reviewed and approved by the City Attorney.

As volunteered by the applicant, the six (6) parking spaces created by the proposed development are to be made available to the development on the north side of the private drive. The Committee recommends a condition of approval that a parking and access easement be recorded across Tract A for the benefit of Partition Plat 2004-040 Lots 1-3. Ownership and maintenance of Tract A shall be assigned to the six lots of the proposed development. Additionally, the Committee recommends a condition of approval that a perpetual access easement across the private street (Partition Plat 2004-040 Tract A) be provided. Common ownership and maintenance responsibilities shall be assigned to the current development and the existing development on the north side of the private street.

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

The proposal includes an access easement on a portion of the storm water facility (Partition Plat 2004-040 Tract B) for the benefit of Lot 1. Approximately 270 square-feet of the storm water facility will be paved in order to provide adequate existing turn movement for Lot 1. Transportation staff reviewed the proposal for safe vehicular circulation.

The applicant's proposal includes a pedestrian walkway on the southern side of the private street. The walkway will match the existing concrete walkway on the northern side of the private street. The walkway provides a minimum of 3-feet of unobstructed clearance for pedestrians behind the six parking spaces (Tract A).

Transportation staff states that by meeting the conditions of approval, the site will have adequate internal vehicular circulation, in conformance with Development Code Section 60.55.25, and adequate internal pedestrian circulation, in conformance with Development Code Section 60.55.25.

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

G. *The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.*

The development connects to the surrounding vehicular circulation system in conformance with Development Code Section 60.55.25. The Committee recommends conditions of approval to improve pedestrian circulation, in conformance with Development Code Section 60.55.25. The proposal includes construction of a pedestrian pathway on the southern side of the private drive during Phase One. The applicant is also required to install a sidewalk along SW 141st Avenue during Phase Two of the development.

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

H. *Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.*

The applicant states that the proposed subdivision complies with all adopted City codes and standards. Tualatin Valley Fire & Rescue has provided conditions of approval. The proposal will need to show compliance with the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards. Conditions identified at the end of the report are to ensure that the lots are developed to meet City Standards.

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

I. *Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.*

As the applicant's narrative states the structures and public facilities serving the site will be designed in accordance with adopted City codes and standards and will provide adequate protection from crime. The applicant states that homes will be designed with windows facing the street to provide "eyes on the street." The City Engineer has reviewed the proposal to ensure that applicable Codes and standards are met by the proposal and have identified conditions of approval to ensure that this criterion is met. The Beaverton Police Department provided no comment on the application.

Therefore, the Committee finds that the proposal meets the criterion for approval.

- J. *Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

The majority of the site is relatively flat and the applicant indicates that minimal clearing and grading impacts will be associated with development of the subject site as proposed through this application. To ensure future grading will not result in adverse impacts to the surrounding area, the Committee recommends standard conditions of approval that require detailed grading and drainage information to be provided with the Site Development Permit. Due to grade changes between Lot 1 and the existing storm water facility, the Committee recommends a condition of approval that requires fencing around the perimeter of the storm water facility. Fall fencing shall be provided where retaining walls are proposed. The applicant shall provide a gate for access to the City-owned storm water facility, as approved by the City Engineer.

Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- K. *Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

The applicant will be required to meet all applicable accessibility standards of the Uniform Building Code, the Uniform Fire Code, and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, the general site layout can meet accessibility requirements; however, accessibility is thoroughly evaluated through the site development and building permitting reviews.

Therefore, the Committee finds that the proposal meets the criterion for approval.

- L. *The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.***

The applicant submitted the application on November 7, 2012 and was deemed complete on January 23, 2013. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds that the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Urban Medium Density (R-2) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20 (Urban Medium Density R-2 Land Uses)			
Use- Permitted	Detached Dwelling	6 Single Family (Detached) Dwellings	Yes
Development Code Section 20.20.15 (Residential Site Development Standards)			
Minimum Lot Area	2,000 square feet (sf)	Each proposed lot meets the minimum lot area of 2,000 square feet	Yes
Minimum Lot Dimensions for Land Divisions Less than Two Acres Width Depth	N/A N/A	N/A N/A	Yes
Minimum Yard Setbacks Front Side Rear Garage	10 ft 5 ft 15 ft 18.5 ft	All proposed lots meet minimum setback requirements for the R2 zoning district. The front lot lines for Lots 1-4 abut the private street. The front lot lines for Lots 5 and 6 abut SW 141 st Avenue.	Yes
Maximum Building Height	40 ft	40 ft	Yes
Minimum Residential Density	Acreage – Unbuildable or Common Areas = Net Acreage Net Acreage / Min. Lot Size = Lots * 80% = Minimum Residential Density	16,553 sf – 675 sf = 15,878 Net sf 15,878 Net sf / 2,000 = 7.94 7.94 * 80% = 6.35 6 minimum lots (6 proposed)	Yes

Chapter 60 Special Requirements

Code Standard	Code Requirement	Project Proposal	Meets Code?
Development Code Section 60.15.15.5			
Grading	Maximum slope differentials from abutting property grades	The applicant's narrative and grading plans illustrate that the Code requirement of grading minimizing grade changes within 25 ft of the property lines will be satisfied.	Yes-with COA
Development Code Section 60.30.10			
Off-street motor vehicle parking Minimum Maximum	1.0 space per dwelling N/A	Lots will have a minimum of one parking space for each dwelling. The applicant proposes 6 additional parking spaces within Tract "A".	Yes
Development Code Section 60.45.10			
Solar Access Requirement	At least 80% of the lots in a development shall comply with one or more of the following: Basic Requirements, Protected Solar Line Option, and Performance Option.	Solar access design standards for new development are applicable to subdivisions in the R10, R7 and R5 zones. The subject site and all abutting properties are zoned R2.	N/A
Development Code Section 60.55.35			
Access Standards Driveways	No new driveways for detached dwellings shall be permitted to have direct access onto a collector street, except in unusual circumstances.	The proposal provides one new shared driveway for two detached dwellings on SW 141 st Avenue, which classified as a collector. Four lots will have access from the private street extending from SW 141st Avenue. Driveway locations are subject to approval of the City Traffic Engineer.	Yes-with COA
Development Code Section 60.60.15			
Tree Removal & Preservation Standards	<ul style="list-style-type: none"> -Cannot remove or prune tree's canopy or disturb root zone of protected trees. -All removal, pruning & planting, including replacement or mitigation planting, of protected trees must be done in accordance with the City's Tree Planting and Maintenance Policy. -Comply with requirements to protect the root zone. 	<p>Development includes removal of nuisance and Community Trees. Phase One includes the removal of one Community Tree. The remaining four Community Trees on-site are proposed for removal as part of Phase Two.</p> <p>No mitigation required for removal of Community Trees.</p> <p>Tree protection for remaining Community trees on-site and on abutting properties is conditioned to meet Development Code requirements & is conditioned to be installed prior to any site clearing, grading or construction.</p>	Yes-with COA
Development Code Section 60.65			
Utility Undergrounding	All existing and proposed utility lines shall be placed underground	If moved, existing utility lines are required to be placed under-ground as a condition of approval.	Yes-with COA

LD2012-0015 (141st Avenue Subdivision) Application:

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal, adopt the following conditions of approval:

[The Conditions of Approval recommended by the Facilities Review Committee have been incorporated into the Conditions of Approval found in Attachment C of this Staff Report.]

ANALYSIS AND FINDINGS FOR LAND DIVISION APPROVAL

Section 40.45.05 Land Divisions; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

Section 40.45.15.5.C Approval Criteria:

In order to approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. ***The application satisfies the threshold requirements for a Preliminary Subdivision application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47, further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.C have been met.***

Section 40.45.15.5.A Threshold: An application for Preliminary Subdivision shall be required when the following threshold applies:

"The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year."

Facts and Findings:

The applicant proposes to create a total of six (6) lots of record from two existing lots of record.

FINDING: Therefore, staff finds the proposal meets the criterion for approval.

2. ***All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The City of Beaverton received the appropriate fee of \$4,787.00 for a Preliminary Subdivision application.

FINDING: Therefore, staff finds the proposal meets the criterion for approval.

3. ***The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the partition process to comply with current Code standards and requirements.***

Facts and Findings:

The City does not have record of active land use applications associated with this property. The applicant's proposal will widen the private street, previously approved by SB2002-0014 and BDR2002-0166, in order to bring the street into conformance with current standards. In addition, the proposal will modify approximately 270 square-feet of existing storm water facility, identified as Partition Plat 2004-040 Tract B. An access easement across the storm water facility shall be recorded to the benefit of Lot 1. As previously stated herein, the City Engineer has reviewed the proposed modification of the storm water facility and determined that the capacity will remain to serve the existing lots and the proposed development. Staff finds that the proposed changes will not conflict with the prior approvals mentioned above.

The applicant will be required to record new CC&Rs that assign ownership and maintenance responsibilities for common facilities. The CC&R document is to be recorded with the final plats associated with both phases. Prior to recording the plat for Phase One, the draft CC&R document is to be reviewed and approved by the City Attorney. As a condition of approval, a parking and access easement shall be recorded across Tract A for the benefit of Partition Plat 2004-040 Lots 1-3. Ownership and maintenance of Tract A shall be assigned to the six lots of the proposed development. Prior to final plat approval of Phase One, a perpetual access easement across the private street (Partition Plat 2004-040 Tract A) shall be provided. Common ownership and maintenance responsibilities shall be assigned to the current development and the existing development on the north side of the private street.

FINDING: Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

4. ***Oversized lots resulting from the subdivision shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed partition and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

Facts and Findings:

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report, which evaluates the project as it relates to applicable code requirements of Chapter 20 for the R2 zone, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies with the required setback provisions of Chapter 20.

FINDING: Therefore, staff finds the proposal meets the criterion for approval.

5. ***If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.***

Facts and Findings:

The applicant proposes a two-phased subdivision intended for single-family, detached units. Phase One would create three lots (Lots 1-3) to be accessed from the existing private street extending from SW 141st Avenue. Phase One includes right-of-way dedication along SW 141st Avenue frontage and installation of utility and parking improvements for all six lots, identified on the plan as Tract A. The existing house (Phase One, Lot 4) will be retained through Phase One. Improvements associated with Phase Two include removal of the existing house and creation of three new lots (Lots 4-6). Lots 5 and 6 are to be accessed from a shared driveway on SW 141st Avenue. Lot 4 will be accessed from the private street. Sidewalk improvements along SW 141st Avenue will be constructed during Phase Two. The City Engineer has provided conditions of approval to ensure that the aforementioned site improvements are provided at the appropriate phase.

FINDING: Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

6. ***Applications that apply the lot averaging standards of Section 20.05.15.D shall demonstrate that the resulting land division facilitates the following:***

- a) ***Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***
- b) ***Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.***

Facts and Findings:

The proposed partition does not apply the lot averaging standards of Section 20.05.15.D.

FINDING: Therefore, staff finds the criterion for approval is not applicable.

7. ***Applications that apply the lot area averaging standards of Section 20.05.15.D do not require further Adjustment or Variance for the Land Division.***

Facts and Findings:

The proposed partition does not apply the lot averaging standards of Section 20.05.15.D. The proposal does not require Adjustment or Variance.

FINDING: Therefore, staff finds the criterion for approval is not applicable.

8. ***The proposal does not create a parcel which will have more than one (1) zoning designation.***

Facts and Findings:

Each of the six proposed lots will retain the R2 zoning designation over their entirety.

FINDING: Therefore, staff finds the proposal meets the criterion for approval.

9. ***Applications and documents related to the request requiring further City approval shall be submitted to the City in proper sequence.***

Facts and Findings:

The applicant has submitted all documents related to this request for a Land Division-Preliminary Subdivision for a proposed 6-lot subdivision within the R2 zoning district. Future applications include Final Partition Plats for Phase One and Phase Two, Site Development, and Building Permits to be submitted in proper sequence.

FINDING: Therefore, staff finds the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2012-0015 (141st Avenue Subdivision)**, subject to the conditions identified in Attachment C.

CONDITIONS OF APPROVAL
141st Avenue Subdivision (LD2012-0015)

A. Prior to issuance of any Site Development Permit, the applicant shall:

1. Ensure all grading is consistent with the grading standards of Section 60.15.15, which establishes maximum grade differentials from abutting properties. (Planning Div./CP)
2. Ensure the land use approval has not expired, which is two (2) years from the effective date of the decision. Phase Two of the development shall be commenced within two years of completion of Phase One. (Planning Div./CP)
3. Provide plans showing fencing between the existing storm water facility, Lot 1, and the private street, as approved by the City Engineer. A gate shall be provided for City access to the existing storm water facility. A fall fence shall be provided where retaining walls are proposed. Plan elevations and material descriptions for fencing and retaining walls are required prior to final approval. (Planning Div./CP)
4. Provide plans showing tree protection fencing at the Tree Protection Zone, which shall be established at least at the edge of the root zone of each tree or grove of trees proposed to remain, both on site and on abutting properties. The fences shall be placed at the edge of each root zone which is located within the boundaries of the subject site, but shall not be required to be extended beyond the boundaries of the subject site. The fences shall be placed before construction starts and remain in place until construction is complete. The fence shall be a four (4) foot tall orange plastic or snow fence, secured to six (6) foot tall metal posts, driven two (2) feet into the ground. Heavy gauge 12 wire shall be attached to the top and midpoint of each post. Posts shall not be placed further than ten (10) feet apart. (Planning Div./CP)
5. Identify on plans any areas in which grading is proposed to occur within the root zones of the trees to remain. Notes on the plans shall state that unless otherwise approved by the Project Arborist, grading within the protected root zones shall only be accomplished through the use of hand equipment and excavation. (Planning Div./CP)
6. Submit the required plans, application form, fee, and other items needed for one complete site development permit application for both phases of development built in one phase per the applicable review checklist. (Site Development Div./WKP)

7. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./WKP)
8. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./WKP)
9. Have the ownership of the subject property guarantee all public improvements, work within public right of way, site grading, utility undergrounding, utility reconnections, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./WKP)
10. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./WKP)
11. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./WKP)
12. Have obtained approvals needed from the Clean Water Services District for storm system connections as part of the City's plan review process. (Site Development Div./WKP)
13. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis is also to show adequate water quality treatment levels in the existing offsite facility for all new impervious surfaces. Show and provide water quality treatment for all new impervious surfaces. (Site Development Div./WKP)
14. Provide an evaluation with photographs of the immediate downstream storm structures and water quality treatment pond to determine a pre-existing, baseline condition. Should erosion control best management practices not be

effectively used and maintained after permit issuance, it can be determined what, if any impact, the proposed construction has had on the existing plants and treatment functioning. (Site Development Div./WKP)

15. Submit to the City a certified impervious surface determination of the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. Any home demolition is credited at one equivalent surface unit (2640 square feet). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div./WKP)
16. Have obtained the City Building Official's and City Engineer's approval of the proposed site utility plan for private plumbing needed to serve the development. This specifically includes an approved storm water plan for roof, driveway, patio, and walkway run-off. Submittal of a hydrologic report with the site development permit application is required for review and approval by the City Engineer for any infiltration proposal. (Site Development Div./WKP)
17. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. Provide minimum finish floor elevations for each lot for drainage to the treatment facility. (Site Development Div./WKP)
18. Pay a storm water quality (summer treatment) in-lieu of fee for any area determined by the City Engineer not practical to provide treatment. Pay a storm water quantity (winter detention) for net new impervious area proposed. (Site Development Div./WKP)
19. Pay a storm water system development charge for all phases (overall system conveyance). Storm development charge credits for homes demolished within the plat may be granted against new building permits. (Site Development Div./WKP)
20. Provide plans for street lights (Option C unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for

services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./WKP)

21. Submit plans that show:

- a. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 28 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted. (OFC 503.2.) *The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided. The current plan designates a 20 foot width into an existing concrete sidewalk. This sidewalk must be able to support fire apparatus.* (TVF&R/JF)
- b. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1) *No fire hydrants were identified on the plans.* (TVF&R/JF)
- c. Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) *No parking signs will be required to be installed.* (TVF&R/JF)
- d. Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1) *Provide documentation that the existing sidewalk can support these loads.* (TVF&R/JF)
- e. The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B. (OFC B105.2) *Prior to*

issuance of a building permit, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure. (TVF&R/JF)

- f. Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1) *A fire hydrant must be within 600 feet of all portions of the proposed buildings. (TVF&R/JF)*
- g. Approved fire apparatus access roadways and firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1) (TVF&R/JF)
- h. Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1) (TVF&R/JF)
- i. The angles of approach and departure for fire apparatus roads shall not exceed 8 Degrees. (OFC 503.2.8, NFPA 1901) (TVF&R/JF)

B. Prior to commencement of any construction, grading, or utility work, the applicant shall:

- 22. Install tree protection fencing at the Tree Protection Zone, which shall be established at least at the edge of the root zone of each tree or grove of trees proposed to remain, both on site and on abutting properties, as shown on the approved Site Development plans. (Planning Div./CP)

C. Prior to approval of the Final Plat of Phase One, the applicant shall:

- 23. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division for all phases. (Site Development Div./WKP)
- 24. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./WKP)
- 25. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard

exhibits, ready for recording with Washington County Records if private storm treatment facilities are utilized to meet standards for any lot. (Site Development Div./WKP)

26. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot all phases (wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. Public sidewalk improvements on 141st south of the driveway tract may be deferred until the phase two plat recording and issuance of building permits for the lots created by the phase two partition plat. (Site Development Div./WKP)
27. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./WKP)
28. Submit a Land Division - Final Plat application for phase one within 24 months after preliminary plat approval, unless a time extension is approved. The applicant shall not submit the Final Plat until the Site Development Permit has been issued. (Planning Div./CP)
29. Submit a final plat for phase one that is fully dimensioned and indicate the square footage of all lots and tracts. Plat notes shall state the ownership and maintenance responsibilities of all easements. (Planning Div./CP)
30. Pay all City liens, taxes and assessments, or re-apportion same to individual lots. Any liens, taxes or assessments levied by Washington County shall be paid to the County according to their procedures. (Planning Div./CP)
31. Submit a street fee of \$200.00 per tree based on a standard of one tree for every 30 lineal feet of street frontage. (Planning Div./CP)
32. Demonstrate all lots meet ordinance standards for lot size, dimension and setbacks. (Planning Div./CP)
33. Provide written assurance to the Planning Director that each and every lot is buildable without variance under City Ordinances effective as of the date of preliminary plat approval. Tracts and other parcels not proposed for development shall also be listed with a statement of their purpose. (Planning Div./CP)
34. Submit a completed Land Division Agreement form assuring compliance with all the conditions of approval and assuring conformance with City requirements throughout construction of the land division. (Planning Div./CP)

35. Ensure that for each lot a 3-foot utility easement along all side and rear lot lines and an 8-foot utility easement are provided along any lot frontage to a public street. All easements shall be conveyed to the City of Beaverton, and so noted on the final plat. (Planning Div./CP)
36. Submit a draft of the Covenants, Conditions and Restrictions to be recorded with Phase One, but applicable to all six lots. The text of this CC&R document shall be subject to City Attorney review and approval for compliance with the conditions of approval and with the tentative plat. (Planning Div./CP)
37. Submit a maintenance agreement to be recorded with the final plat of Phase One, which assigns specific maintenance responsibilities for all common areas. (Planning Div./CP)
38. Grant a non-exclusive parking and access easement across Tract A for the benefit of Partition Plat 2004-040 Lots 1-3. Assign ownership and maintenance of Tract A to all six lots of the proposed development. (Planning Div./CP)
39. Provide proof of a perpetual easement for access benefitting the lots in the proposed development over the private street that is identified as Tract A on Partition Plat 2004-040. The easement shall assign common ownership and maintenance responsibilities to all six lots of the proposed development and to Partition Plat 2004-040 Lots 1-3. (Planning Div./CP)

D. Prior to building any permit issuance for Phase One or Two, the applicant shall:

40. Pay a storm water system development charge in-lieu of constructing an on-site storm water quantity (winter detention) and quality (summer treatment) facility for each new building permit. However, no credit shall be given for storm water quality (summer treatment) for homes demolished within the plat as the new homes are defined as "redevelopment" under Clean Water Services standards. Credits for storm water quantity for homes demolished within the plat may be granted against new building permits. (Site Development Div./WKP)
41. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./WKP)
42. Submit any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's

engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./WKP)

43. Submit to the Planning Division an 8.5 by 11 inch copy of the final plat. (Planning Div./CP)
44. Illustrate on the building permit site plans that the minimum required and approved setbacks are met. (Planning Div./CP)
45. Not allow the following development to occur within the protected root zone of each tree to be retained on site and on abutting properties:
 - a. Construction or placement of new buildings.
 - b. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.
 - c. New impervious surfaces.
 - d. Trenching for utilities, irrigation, or drainage.
 - e. Staging or storage of any kind.
 - f. Vehicle maneuvering or parking. (Planning Div./CP)

E. Prior to approval of the Final Plat for Phase Two, the applicant shall:

46. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records if private storm treatment facilities are utilized to meet standards for any lot. (Site Development Div./WKP)
47. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./WKP)
48. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot all phases (wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards including public sidewalk improvements on 141st south of the driveway tract. (Site Development Div./WKP)
49. Demolish the existing house, shown as Lot 4 on the phase one final subdivision plat. (Planning/CP)

50. Submit a final plat for phase two that is fully dimensioned and indicate the square footage of all lots and tracts. Plat notes shall state the ownership and maintenance responsibilities of all easements. (Planning Div./CP)
51. Pay all City liens, taxes and assessments, or re-apportion same to individual lots. Any liens, taxes or assessments levied by Washington County shall be paid to the County according to their procedures. (Planning Div./CP)
52. Demonstrate all lots meet ordinance standards for lot size, dimension and setbacks. (Planning Div./CP)
53. Provide written assurance to the Planning Director that each and every lot is buildable without variance under City Ordinances effective as of the date of preliminary plat approval. Tracts and other parcels not proposed for development shall also be listed with a statement of their purpose. (Planning Div./CP)
54. Submit a completed Land Division Agreement form assuring compliance with all the conditions of approval and assuring conformance with City requirements throughout construction of the land division. (Planning Div./CP)
55. Ensure that for each lot a 3-foot utility easement along all side and rear lot lines and an 8-foot utility easement are provided along any lot frontage to a public street. All easements shall be conveyed to the City of Beaverton, and so noted on the final plat. (Planning Div./CP)
56. Include all documents as part of Phase One to be recorded with Phase Two. (Planning Div./CP)

F. Prior to final inspection of any building permit for Phase One or Two, the applicant shall:

57. Ensure all site improvements, including grading, are completed in accordance with plans marked "Exhibit A". (On file at City Hall). (Planning Div./CP)
58. Ensure tree protection fencing is monitored and maintained and remains in place and undisturbed. (Planning Div./CP)
59. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./WKP)
60. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./WKP)

G. Prior to release of performance security, the applicant shall:

61. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./WKP)
62. Establish that the construction activity has not affected the downstream storm system as determined by the Public Works Director. If determined to be affected, the applicant shall provide an additional performance security for 100 percent of the cost of storm system cleaning and for any plants, planting materials, and maintenance labor (including irrigation) necessary to achieve establishment/replacement of the vegetation and restoration of full function within the downstream water quality treatment pond. If the plants are not well established or the facility not properly functioning (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./WKP)
63. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./WKP)
64. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./WKP)
65. Submit any required on-site easements not already dedicated on the subdivision plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./WKP)